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असाधारण

EXTRAORDINARY

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PART II—Section 1

प्राधिकार से प्रकाशित

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Separate paging is given to this Part in order that it may be filed
as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 29th January, 1977/Magha 9, 1898 (Saka)

The following President's Act is published for general information:—

THE TAMIL NADU PANCHAYAT UNION COUNCILS (APPOINTMENT OF SPECIAL OFFICERS) ACT, 1977

No. 5 OF 1977

Enacted by the President in the Twenty-eighth Year of the Republic of India.

An Act to Provide for appointment of Special Officers to Panchayat Union Councils in the State of Tamil Nadu.

In exercise of the powers conferred by section 3 of the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976, the President is pleased to enact as follows:—

1. (1) This Act may be called the Tamil Nadu Panchayat Union Councils (Appointment of Special Officers) Act, 1977.

(2) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

(a) "Panchayats Act" means the Tamil Nadu Panchayats Act, 1958;

(b) words and expressions used and not defined in this Act but defined in the Panchayats Act shall have the meanings respectively assigned to them in that Act.

Short
title and
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Defini-
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41 of 1976.

Tamil
Nadu
Act
XXXV of
1958.

Term of office of members of the Panchayat Union Councils to expire on 31st day of January, 1977.

3. Notwithstanding anything contained in the Tamil Nadu Panchayat Union Councils (Extension of Term of Office) Act, 1976, the term of office of the members of all the Panchayat Union Councils in the State of Tamil Nadu holding office as such on the date of commencement of this Act, shall expire on the 31st day of January, 1977 and accordingly, all such members of all Panchayat Union Councils including their Chairmen and Vice-Chairmen, and members of the Committees of such Panchayat Union Councils established or constituted by or under the Panchayats Act, shall vacate their office on the 31st day of January, 1977.

President's Act 33 of 1976

Appointment of Special Officers to exercise the powers and perform the functions of Panchayat Union Councils.

4 (1) (a) Notwithstanding anything contained in the Panchayats Act, the State Government shall appoint Special Officers to exercise the powers and perform the functions of—

(i) the Panchayat Union Councils established or constituted by or under the Panchayats Act and referred to in section 3; and

(ii) the Chairmen of the Panchayat Union Councils and of the Committees established or constituted by or under the Panchayats Act and referred to in section 3.

(b) A Special Officer may be appointed under clause (a) for one or more Panchayat Union Councils as the State Government may, by order, specify.

(2) Each Special Officer referred to in sub-section (1) may also exercise all or any of the powers and perform all or any of the functions of any other officer or authority under the Panchayats Act, which the State Government may, by notification, specify.

(3) (a) Each Special Officer shall hold office for a period of six months on and from the 1st day of February, 1977 or for such further period not exceeding six months as the State Government may, by notification, specify.

Provided that if any vacancy arises in the post of a Special Officer, the vacancy shall be filled up by the State Government and the person appointed in the vacancy shall hold office for the remainder of the said period

(b) A Special Officer shall receive payment for his services from the Panchayat Union (General) Fund, constituted under section 134 of the Panchayats Act.

(c) The State Government may determine the relations of a Special Officer with themselves

FAKHRUDDIN ALI AHMED,
President.

K. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the enactment

Under section 2 of the Tamil Nadu Panchayat Union Councils (Extension of Term of Office) Act, 1976 (President's Act 33 of 1976), the term of office of the members and Chairmen of all the Panchayat Union Councils has been extended up to the noon of the 1st day of February, 1977

2 Since then the Government has had to dissolve many Panchayat Union Councils on grounds of failure to convene meetings, adjournment of resolutions without assigning any valid reasons, making irregular appointments without prior approval of the Appointment Committee, and failure to pass the budget of the Council

3 In order that quick steps may be taken for setting matters right in the Panchayat Union Administration set up, it has been considered expedient by the Government of Tamil Nadu to provide, in the public interest, for the appointment of Special Officers to exercise the powers and perform the functions of the Panchayat Union Councils for a limited period for improving the efficiency of the administration of the Panchayat Union Councils

4 This measure seeks to achieve the above objects

5 The President issued a Proclamation on the 31st January, 1976 under article 356 of the Constitution in relation to the State of Tamil Nadu declaring *inter alia* that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament. Parliament has under article 357(1) (a) of the Constitution, conferred on the President the powers of the Legislature of the State of Tamil Nadu to make laws *vide* the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976 (41 of 1976).

6. It is not practicable to consult the Consultative Committee of Parliament on Tamil Nadu Legislation since two-thirds of the members of the Committee nominated from the House of the People have demitted office consequent on the dissolution of the House

R. N. AZAD,

*Joint Secy. to the Govt. of India,
Ministry of Agriculture and Irrigation
(Department of Rural Development)*

